statements in the labeling regarding its curative and therapeutic effectiveness falsely and fraudulently represented that it was not a cathartic; would not irritate the most delicate system, might be used with safety in colitis, ulceration, hemorrhoids, etc.; that the lactose was capable of feeding the friendly colon bacteria; that it would help to maintain the acid-alkaline balance in the intestinal tract; that it was capable of adequately meeting an urgent need for a natural, harmless, effective laxative food, of being used with safety and good results in all cases of intestinal disorders, including aggravated cases of chronic constipation, colitis, prolapsus hemorrhoids, etc., of producing easy and copious elimination, without in the least irritating the delicate, already sensitive or inflamed mucous membrane of the intestines, of supplying both the needed bulk and lubrication, of helping to overcome constipation by stimulating intestinal musculature into normal action and by changing the intestinal flora, and of averting through its use exclusively all danger from ordinary laxatives; and that it was an ideal laxative food and accepted as such by many physicians.

It was alleged in the information that the Kelp Tablets were misbranded in that representations in the circular that the article was a true gland food, that it was a wholesome and effective product that differed from the many so-called gland foods in that it was wholly natural and was without drugs or other harmful stimulants, that it was a true food and not a medicine, that it was devoid of drugs and provided the means by which the value which otherwise might be obtained only by the consumption of prodigious quantities of the raw products were by it made available, were false and misleading. It was alleged further in the information that the circular contained representations regarding the curative and therapeutic effects of the article which were false and fraudulent, namely, representations that it was effective to cure glandular inadequacies, nervous debility, mental exhaustion, general rundown conditions, and was so effective because its qualities as a food and the plant elements contained therein imparted to it constructive capability with regard to the human physical organization.

On August 17, 1939, the defendant having pleaded not guilty and a jury having been waived, the case came on for trial before the court. The trial was concluded on August 23, 1939. The case was continued to August 28 for decision, on which date the court found the defendant guilty on the two counts charging misbranding of Col-Lax, and not guilty on the two counts charging misbranding of Kelp Tablets. The defendant was sentenced to pay a fine of $150 on each of the two counts on which he had been convicted.

GROVER B. HILL, *Acting Secretary of Agriculture.*

30955. Adulteration and misbranding of elixir of iron, quinine, and strychnine; misbranding of carbolic ointment. U. S. v. Sexton Drug Store. Plea of guilty. Fine, $10. (F. & D. No. 40808. Sample Nos. 12466–D, 12470–D.)

The elixir of iron, quinine, and strychnine differed from the standard established by the National Formulary in that it was deficient in certain essential ingredients and contained other ingredients not found in the formulary product. It contained a smaller proportion of alcohol than that declared on its label. The carbolic ointment was labeled to indicate that it was ointment of carbolic acid, namely, phenol ointment, a product recognized in the United States Pharmacopoeia. It contained a smaller proportion of phenol than the pharmacopoeia product and was not effective as an antiseptic when used as directed.

On January 23, 1939, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Sexton Drug Store, a corporation, Springfield, Mass., alleging shipment by said company in violation of the Food and Drugs Act on or about March 7, 1938, from the State of Massachusetts into the State of Connecticut, of a quantity of elixir of iron, quinine, and strychnine that was adulterated and misbranded, and a quantity of carbolic ointment that was misbranded. The articles were labeled in part: "G. Fox & Co., Inc., Distributors * * * Hartford, Conn."

The elixir of iron, quinine, and strychnine was alleged to be adulterated in that it was sold under a name recognized in the National Formulary but differed from the standard of strength, quality, and purity laid down therein since the formulary requires that the article consist of 125 cc. of tincture of ferric citrochloride, 8 grams of quinine hydrochloride, 175 milligrams of strychnine sulfate, 10 cc. of compound spirit of orange, 240 cc. of alcohol, 300 cc. of glycerin, and a sufficient quantity of distilled water to make the product

measure 1,000 cc.; whereas the article contained ingredients other than those mentioned in the formulary, namely, soluble iron phosphate, sugar, and saccharin; it contained no glycerin; its alcohol content was 9.3 percent by volume; and the quantities of iron and alkaloids (i. e., quinine and strychnine including cinchonine, not an ingredient described in the formulary), were only approximately one-third of the quantities prescribed in the formulary. It was alleged to be misbranded in that the statement on the label, "Alcohol 16%," was false and misleading, since it contained not more than 9.3 percent of alcohol by volume.

The carbolic ointment was alleged to be misbranded in that the statement "Carbolic Acid" on the label, when used to designate and identify an article that was represented to be a valuable and safe antiseptic dressing for wounds, cuts, bites of insects, barber's itch, etc., was false and misleading in that it had the same significance as that of "ointment of carbolic acid," a name recognized in the United States Pharmacopoeia as a synonym for "phenol ointment," a drug defined in said pharmacopoeia, which requires that phenol ointment shall contain not less than 1.8 percent of phenol, namely, carbolic acid; whereas the article was not ointment of carbolic acid as prescribed in said pharmacopoeia, since it contained a smaller proportion of phenol than that prescribed—the percentage in 5 of the units examined varying from 0.442 percent to 1.34 percent. It was alleged to be misbranded further in that the statement "a valuable and safe antiseptic" was false and misleading, since the article was not effective as an antiseptic when used as directed.

On November 14, 1939, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of $10.

GROVER B. HILL, *Acting Secretary of Agriculture.*

30956. Adulteration and misbranding of cod-liver oil. U. S. v. Royal Manufacturing Company of Duquesne, Kolomon Kovacs, Samuel S. Kovacs, and Martin Kovacs. Plea of nolo contendere. Fine, $100. (F. & D. No. 42682. Sample No. 15851–D.)

This product contained smaller amounts of vitamin A and vitamin D than it was represented to contain.

On May 16, 1939, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Royal Manufacturing Company of Duquesne, a corporation trading at Kansas City, Mo., and Kolomon Kovacs, Samuel S. Kovacs, and Martin Kovacs, officers of the said corporation, alleging shipment by them on or about September 26, 1937, from the State of Missouri into the State of Oklahoma, of a quantity of cod liver oil that was adulterated and misbranded. The article was labeled in part: "Double 'D' Laboratories, Chicago, U. S. A."

Adulteration was alleged in that the strength of the article fell below the professed standard and quality under which it was sold, in that it was represented to contain not less than 2,250 U. S. P. XI units of vitamin A per gram and to contain double the amount of vitamins D and A found in the best grade of U. S. P. oil; whereas it contained not more than 1,125 U. S. P. units of vitamin A per gram and did not contain double the amount of vitamins D and A found in the best grade U. S. P. oil.

It was alleged to be misbranded in that the statement, "Contains not less than 2,250 U. S. P. XI units * * * per gram," borne on the carton, was false and misleading.

On October 16, 1939, pleas of nolo contendere having been entered, the court imposed a fine of $100 to cover all defendants.

GROVER B. HILL, *Acting Secretary of Agriculture.*

30957. Misbranding of Snare's Re-Lef. U. S. v. Henry I. Snare (Snare Bros. Ointment Co.). Plea of guilty. Fine, $25. (F. & D. No. 42728. Sample No. 37354–D.)

The labeling of this product bore false and fraudulent curative and therapeutic claims.

On July 18, 1939, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Henry I. Snare, trading as the Snare Bros. Ointment Co., Chillicothe, Mo., alleging shipment by said defendant in violation of the Food and Drugs Act as amended, on or about October 29, 1938,